

AMENDED IN ASSEMBLY APRIL 28, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 412

Introduced by Assembly Member Williams

February 14, 2011

An act to add *and repeal* Section 76104.1 ~~to~~ of the Government Code, and to add *and repeal* Section 42007.5 ~~to~~ of the Vehicle Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 412, as amended, Williams. Emergency medical services.

Existing law authorizes each county to establish an emergency medical services fund, known as a Maddy Emergency Medical Services (EMS) Fund, funded by specified revenue penalties, and makes money in the fund available for the reimbursement of physicians and surgeons and hospitals for losses incurred in the provision of emergency medical services when payment is not otherwise made for those services. Existing law requires any county that has established a Maddy EMS Fund to deposit into that fund \$2 for every \$7 of additional penalties imposed by the courts for criminal offenses.

Existing law, until January 1, 2011, authorized Santa Barbara County, for purposes of supporting emergency medical services in Santa Barbara County, to collect a specified penalty assessment on every fine, penalty, or forfeiture collected for all criminal offenses, except as specified, if the Santa Barbara County Board of Supervisors adopts a resolution stating that implementation of this provision is necessary to the county for purposes of providing payment for emergency medical services.

Existing law, until January 1, 2011, provided, upon the establishment of a Maddy EMS Fund in Santa Barbara County, that the amount that would have been collected as penalty assessments pursuant to the above provision shall be deposited in the Maddy EMS Fund established by the county.

This bill would reenact those provisions that were repealed on January 1, 2011, *until January 1, 2016. The bill would require the Board of Supervisors for Santa Barbara County, if it adopts a resolution to implement these provisions, to report to the Legislature whether, and to the extent that, any actions are taken by Santa Barbara County to implement alternative local sources of funding.* The bill would make specified findings and declarations that the special legislation contained in the act is necessarily applicable only to Santa Barbara County. ~~By extending the duties of local officials relating to the collection of those penalty assessments, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76104.1 is added to the Government
2 Code, to read:
3 76104.1. (a) (1) Except as otherwise provided in this section,
4 and notwithstanding any other law, for purposes of supporting
5 emergency medical services pursuant to Chapter 2.5 (commencing
6 with Section 1797.98a) of Division 2.5 of the Health and Safety
7 Code, in Santa Barbara County, a penalty in the amount of five
8 dollars (\$5) for every ten dollars (\$10), or part of ten dollars (\$10),
9 shall be imposed on every fine, penalty, or forfeiture collected for
10 all criminal offenses. This penalty assessment shall not apply to
11 offenses involving a violation of the Vehicle Code, except for
12 violations of Sections 23103.5, 23136, 23140, 23152, and 23153.
13 This penalty assessment shall be collected together with and in the

1 same manner as the amount established by Section 1464 of the
2 Penal Code.

3 (2) The penalty imposed by this section does not apply to the
4 following:

5 (A) Any restitution fine.

6 (B) Any penalty authorized by Section 1464 of the Penal Code
7 or this chapter.

8 (C) Any parking offense subject to Article 3 (commencing with
9 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

10 (D) The state surcharge authorized by Section 1465.7 of the
11 Penal Code.

12 (b) The moneys collected pursuant to this section shall be held
13 by the county treasurer in the same manner, and shall be payable
14 for the same purposes, described in subdivision (e) of Section
15 76104.

16 (c) This section shall be implemented only if the Santa Barbara
17 County Board of Supervisors adopts a resolution stating that
18 implementation of this section is necessary to the county for
19 purposes of providing payment for emergency medical services.

20 *(d) This section shall remain in effect only until January 1, 2016,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2016, deletes or extends that date.*

23 SEC. 2. Section 42007.5 is added to the Vehicle Code, to read:

24 42007.5. (a) Notwithstanding paragraph (2) of subdivision (b)
25 of Section 42007, in Santa Barbara County, upon the establishment
26 of a Maddy Emergency Medical Services Fund pursuant to Section
27 1797.98a of the Health and Safety Code, the amount that would
28 have been collected pursuant to Section 76104.1 of the Government
29 Code shall be deposited in the Maddy Emergency Medical Services
30 Fund established by the county pursuant to Section 1797.98a of
31 the Health and Safety Code.

32 (b) The Board of Supervisors of the County of Santa Barbara,
33 *if it adopts a resolution pursuant to subdivision (c) of Section*
34 *76104.1 of the Government Code*, shall report to the Legislature
35 whether, and to the extent that, any actions are taken by the County
36 of Santa Barbara to implement alternative local sources of funding.

37 *(c) This section shall remain in effect only until January 1, 2016,*
38 *and as of that date is repealed, unless a later enacted statute, that*
39 *is enacted before January 1, 2016, deletes or extends that date.*

1 SEC. 3. The Legislature finds and declares that due to unique
2 circumstances regarding emergency medical services in the County
3 of Santa Barbara, a general statute cannot be made applicable
4 within the meaning of Section 16 of Article IV of the California
5 Constitution. Therefore, the special legislation contained in
6 Sections 1 and 2 of this act is necessarily applicable only to the
7 County of Santa Barbara.

8 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
9 ~~Section 6 of Article XIII B of the California Constitution because~~
10 ~~the only costs that may be incurred by a local agency or school~~
11 ~~district are the result of a program for which legislative authority~~
12 ~~was requested by that local agency or school district, within the~~
13 ~~meaning of Section 17556 of the Government Code and Section~~
14 ~~6 of Article XIII B of the California Constitution.~~